IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 4832 OF 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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NASVADI TILAKVADA AGRICULTURAL PRODUCE MARKET COMMITTEE - Petitioner(s)

Versus

STATE OF GUJARAT & ORS. - Respondent(s)

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Appearance :
Shri Nirad Buch for M/s. Nanavaty Advocates for Petitioner(s).
Shri L. R. Pujari, AGP for Respondent(s) : 1 - 2, 4.
None for Respondent(s) : 3.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 11/04/2007

ORAL JUDGMENT

1. When the matter like this remains pending for ten or more

years and the State Government does not proceed with the revision and the petitioner also does not produce the documents before the revisional authority, it would only mean that nobody is interested in final disposal of the revision petition. *Vide* order dated 30th May, 1996, the Deputy Secretary (Appeals), Revenue Department, demanded certain documents and simultaneously refused to grant the stay. The petitioner, being aggrieved by non-grant of the stay, came to this Court and could secure an *ad interim* order in its favour. The State Government awaited disposal of this matter for eleven years, but, did not proceed to decide the revision on merits or in the alternative, they did not dismiss the revision petition for non-compliance of the order asking the petitioner to produce certain documents. The matter is pending in this Court for almost about eleven years and the interim stay order is being enjoyed by the petitioner. I do not know, what final orders now can be passed in a matter like this where on one side, the petitioner enjoys the interim order for almost about eleven years and on the other hand, the State does not take any steps to decide the revision or have early hearing of the present matter.

2. Taking into consideration the totality of the circumstances and that the interim order has remained in force for eleven years, I dispose of the Writ Application with a direction that the interim order granted by this Court on 11th July, 1996 shall continue to be effective till final disposal of SRD/BKP/VDD/3/1996. The petitioner shall appear before the concerned Revisional Authority on 27th April, 2007 and on the said date or within a period of fifteen days further from the date of appearance, shall produce the documents demanded by the Revisional Authority. If the petitioner does not appear before the said authority along with a copy of this order, then, the authority shall be entitled to proceed *ex parte* against the petitioner and in case the petitioner files the

required demanded documents, then, after giving an opportunity of hearing to the petitioner, the authority shall dispose of the matter within a period of two months from the date of appearance of the petitioner. It is made clear that the Deputy Secretary would not be entitled to adjourn the matter beyond a period of two months and in case he does so, then, he shall be exposing himself to a serious risk. The petition to the extent indicated above is allowed.

4. A copy of this order be given to the learned Counsel for the State, for its onward communication to the Revisional authority.

Direct Service is allowed.

[R.S.Garg, J.]

*kamlesh**